

United States District Court
Middle District of Florida
Jacksonville Division

DAVID CHEETHAM,

Plaintiff,

v.

No. 3:20-cv-801-BJD-PDB

TRUCKS, INC., AND
DWAINE WILCOX,

Defendants.

Order

Without opposition from the plaintiff, the defendants request an order requiring him to submit to a physical examination by orthopedic surgeon Richard Blecha, M.D., on July 20, 2021, at 9:00 a.m., at 6817 Southpoint Parkway, Suite 1704, Jacksonville, Florida 32216.* Doc. 27.

The defendants explain the examination is necessary because the plaintiff's physical condition is in controversy. Doc. 30; *see also* Doc. 3 ¶¶ 6, 8, 13 (alleging injuries from a car accident). The defendants explain Dr. Gabriel will obtain a verbal medical history, conduct a physical examination of the plaintiff's spine and other areas, review records, and perform noninvasive tests. Doc. 30 at 2. The defendants state, "The cost of the examination will

*For future filings, under Local Rule 3.01(g)(2), effective February 1, 2021, the heading at the end of the motion must be titled "Local Rule 3.01(g) Certification."

originally be borne by Defendants but is subject to taxation by the Court upon proper motion.” Doc. 30 at 2.

A court may “order a party whose mental or physical condition ... is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.” Fed. R. Civ. P. 35(a)(1). The order “may be made only on motion for good cause and on notice to all parties and the person to be examined” and “must specify the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Fed. R. Civ. P. 35(a)(2).

The defendants present good cause. Cheetham’s physical condition is in controversy, the examination is focused on the claimed injuries, and he has no objection. The Court **grants** the motion, Doc. 30, and **orders** Cheetham to appear at the examination at the time and place described. The parties may agree on a different date and time without need for further Court order. The Court makes no ruling on whether the defendants may later recover the costs of the exam.

Ordered in Jacksonville, Florida, on June 18, 2021.



PATRICIA D. BARKSDALE
United States Magistrate Judge